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AUG 10 2005

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

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DOCKET NO. 1586

ATTEST
FOR THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE MUTUAL FUNDS INVESTMENT LITIGATION

Dean Delavventura v. Columbus Acorn Trust, et al., D. Massachusetts, C.A. No. 1:05-10793 05-2219
Brian Reaves v. MFS Series Trust I, et al., D. Massachusetts, C.A. No. 1:05-10804 05-2220
Adam Press v. Putnam Investment Funds, et al., D. Massachusetts, C.A. No. 1:05-10923 05-2221

**BEFORE WM. TERRELL HODGES, CHAIRMAN, JOHN F. KEENAN, D.
 LOWELL JENSEN, J. FREDERICK MOTZ,* ROBERT L. MILLER, JR.,
 KATHRYN H. VRATIL AND DAVID R. HANSEN, JUDGES OF THE PANEL**

TRANSFER ORDER

Presently before the Panel is a motion by plaintiffs in these actions, pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), to vacate the Panel's orders conditionally transferring the actions to the District of Maryland for inclusion in the Section 1407 proceedings occurring there in this docket. Defendants favor inclusion of these actions in MDL-1586 proceedings.

On the basis of the papers filed and hearing session held, the Panel finds that these actions share sufficient questions of fact with actions in this litigation previously transferred to the District of Maryland. Transfer of the actions to that district for inclusion in the coordinated or consolidated pretrial proceedings occurring there will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. Plaintiffs' still pending motions to remand to state court can be presented to and decided by the transferee judges.¹ See, e.g., *In re Ivy*, 901 F.2d 7 (2d Cir. 1990); *In re Prudential Insurance Company of America Sales Practices Litigation*, 170 F.Supp.2d 1346, 1347-48 (J.P.M.L. 2001). The Panel further finds that transfer of these actions is appropriate for reasons expressed by the Panel in its original order directing centralization in this docket. In that order, the Panel held that the District of Maryland was a proper Section 1407 forum for actions arising out of allegations of market timing and/or late trading in the mutual fund industry. See *In re Mutual Funds Investment Litigation*, 310 F.Supp.2d 1359 (J.P.M.L. 2004).

I hereby attest and certify on 8-15-05
 that the foregoing document is a full, true and correct
 copy of the original on file in my office and in my
 legal custody

FELICIA C. CANNON
 CLERK, U.S. DISTRICT COURT
 DISTRICT OF MARYLAND


* Judge Motz took no part in the decision of this matter.

¹ The motion for remand in *Delavventura* was recently denied. By J. F. Keenan Deputy

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IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, these actions are transferred to the District of Maryland and, with the consent of that court, assigned to the Honorable J. Frederick Motz, Andre M. Davis, and Catherine C. Blake for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

FOR THE PANEL:



Wm. Terrell Hodges
Chairman